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CIA HELPED MILITARY ON KOREAN WAR PCW ISSUE  
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The CIA decided a soldier from Connecticut was not among American servicemen photographed playing volleyball in a North Korean prison camp because "the ears were different," according to documents in a federal court trial.

The soldier in question, Army Pvt. Roger Dumas, was classified missing in action on Nov. 4, 1950, and was declared "presumed dead" several years later.

Robert Dumas of Canterbury is in U.S. District Court seeking to force the military to acknowledge that his brother, Roger, was a prisoner of war at some point during the Korean War.

Pentagon officials have said it is impossible to reconstruct today what went into political and military decisions 30 years ago, including how servicemen were classified.

They deny there was any coverup.

Evidence was produced Tuesday during the first day of the non-jury trial that at least three repatriated soldiers said they were interned at North Korean prison camp No. 5 with Roger Dumas.

Similar evidence was discussed about 388 other "presumed dead" servicemen who were never classified POWs but may have been captured by the enemy.

Dumas has alleged that the government may have signed the armistice at the sacrifice of these servicemen.

But U.S. District Judge T. Emmet Clarie has limited testimony about government actions at the end of the war, citing several court rulings that found military decisions are not subject to review by the judiciary.

A memo detailing the CIA's 1978 analysis and "advisory opinion" about the volleyball picture was among 800 documents introduced into evidence Tuesday.

Assistant U.S. Attorney John B. Hughes told Clarie that the CIA compared eight photos of Roger Dumas with one of the men in the volleyball picture.

A now deceased soldier who was repatriated had identified himself and Roger Dumas in the photo several years ago, according to testimony from Robert Dumas.

Hughes said the CIA contended several of the comparison photos were too fuzzy to be of any use while others "clearly showed" that the man thought to be Dumas was not "because the ears were different."

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When the photos were shown to Robert Dumas on the witness stand, he immediately identified one of the volleyball players as his brother.

The legal issue being contested in the trial is whether the Army Board for the Correction of Military Records erred in refusing to change Roger Dumas' classification from "missing, presumed dead" to prisoner of war.

Clarke could order Army Secretary John O. Marsh Jr., the defendant, to change Roger Dumas' records, or he could order the Army board to hold a hearing to reconsider its earlier decision not to reclassify.